Background Paper

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FEDERAL AND PROVINCIAL ACCESS TO INFORMATION LEGISLATION: AN OVERVIEW

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FEDERAL AND PROVINCIAL ACCESS TO INFORMATION LEGISLATION: AN OVERVIEW

INTRODUCTION

This paper provides an overview in chart form of federal and provincial access to information legislation. All the provinces currently have such legislation in force.

The chart examines access to information legislation under a number of select headings, including: who may request disclosure, who must disclose, how a request is to be made, exemptions from disclosure – mandatory and discretionary, fees, and the resolution of access disputes. The exemptions from disclosure form the main part of the chart. Although not every exemption from every relevant jurisdiction is included in this overview, certainly the most notable exemptions are included.

For further details on the selected subjects included in this chart and other matters that are pertinent to access to information laws, such as third party proceedings, the reader is referred either to the relevant Acts themselves (cited at the beginning of the chart) or to the loose-leaf and periodically updated reference source entitled *Government Information: Access and Privacy* by Colin McNairn and Christopher Woodbury (Carswell). In addition to providing detailed commentary, this source also includes copies of the relevant legislation along with a detailed index to the subject matter.

The headings for the selected exemptions that form part of this chart follow those used in the above source, which also provided much of the information included in the chart.

Relevant Act	Federal	Newfoundland and Labrador	Nova Scotia	Prince Edward Island	New Brunswick
Title of Act	*Access to Information Act*, R.S.C. 1985, c.A-1 as amended.	*Access to Information and Protection of Privacy Act*, S. Nfld. and Labrador 2002, c.A-1.1 as amended (all of the Act is in force as of the time of the update of this paper, with the exception of Part IV (protection of privacy), which has not yet been proclaimed).	*Freedom of Information and Protection of Privacy Act*, S.N.S. 1993, c.5 as amended.	*Freedom of Information and Protection of Privacy Act*, R.S.P.E.I. 1988, c.F.-15.01 as amended.	*Right to Information Act*, S.N.B. 1978, c.R-10.3 as amended.

Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia
An Act respecting Access to Documents held by Public Bodies and the Protection of Personal Information, S.Q., 1982, c.30 as amended (R.S.Q., c.A-2.1).	*Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31 as amended.	*Freedom of Information and Protection of Privacy Act*, C.C.S.M., c.F175.	*Freedom of Information and Protection of Privacy Act*, S.S. 1990-91, c.F-22.01 as amended.	*Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c.F-25 as amended.	*Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c.165 as amended.

Who May Request Disclosure?	Federal ss.4(1), (2)	Newfoundland and Labrador s.8	Nova Scotia s.5	Prince Edward Island ss.6(1), 7(1)	New Brunswick s.2
For the most part, the access statutes provide that every "person" may request access to government information. In other words, under most of the statutes, either an individual or a corporate body can make an access request.	The federal Act restricts access rights to persons who are Canadian citizens or landed immigrants but authorizes the federal Cabinet to extend these rights to include other persons. All other individuals and corporations present in Canada have been added, by Cabinet order, as additional classes of eligible requesters.	Same as Nova Scotia.	A "person" may request access to government information. In other words, any individual or corporation can make a request.	Same as Nova Scotia.	Same as Nova Scotia.

Quebec **s.9**	**Ontario** **s.10(1)**	**Manitoba** **s.7(1)**	**Saskatchewan** **s.5**	**Alberta** **s.6(1)**	**British Columbia** **s.4(1)**
Same as Nova Scotia.	Same as Nova Scotia.	Same as Nova Scotia.	Same as Nova Scotia.	Same as Nova Scotia.	Same as Nova Scotia.

Who Must Disclose?	Federal s.3	Newfoundland and Labrador s.5	Nova Scotia ss.3(j), 5	Prince Edward Island ss.1(k), 6(1)	New Brunswick ss.1, 2
Each of the access statutes describes the government organizations that are subject to disclosure of government information. The statutes generally use one of the following terms to describe a body that is subject to the legislation: "public body," "department," "institution," or "government institution." For purposes of convenience, this paper will for the most part refer to the bodies that are subject to the legislation as "government institutions."	The federal Act applies to federal government departments, bodies or offices listed in Schedule I to the Act.	The Act applies to "public bodies," defined in the Act to mean: a) a department created under the *Executive Council Act*, or a branch of the executive government of the province; b) a corporation, the ownership of which, or a majority of the shares of which is vested in the Crown; c) a corporation, commission or body, the majority of the members of which, or the majority of members of the board of directors of which, are appointed by an Act, the Lieutenant-Governor in Council or a Minister; d) a local public body (defined in the Act to mean an educational body, a health care body and a local government body, all of which are further defined in the Act) and includes a body designated as a public body in regulations made under s.73, but does not include: the office of a member or an officer of the House of Assembly; the Trial Division, the Court of Appeal or the Provincial Court; or a body listed in the Schedule to the Act.	The Act applies to "public bodies," defined to mean: a Nova Scotia government department or a board, commission, foundation, agency, tribunal, association or other body of persons, all of the members of which or all of the members of the board of management or board of directors of which a) are appointed by order of the Governor in Council, or b) if not so appointed, in the discharge of their duties are public officers or servants of the Crown; the Public Archives of Nova Scotia; a body designated as a "public body" pursuant to s.49(1)(f); or a "local public body" as defined in the Act. However, the definition of a "public body" does not include the Office of the Legislative Counsel.	The Act applies to "public bodies," defined in the Act to mean: a department, branch or office of the Government of Prince Edward Island; an agency, board, commission, corporation, office or other body designated as a public body in the regulations under the Act; the Executive Council Office; and the office of an officer of the Legislative Assembly. However, a "public body" does not include the Office of the Speaker of the Legislative Assembly and the office of a Member of the Legislative Assembly; or the P.E.I. Supreme Court or Provincial Court.	The Act applies to any of the following provincial bodies as set out in the regulations: a) any government department; b) any Crown Agency or Crown corporation; c) any community board, school board or hospital corporation; d) any other branch of the province's public service; or e) any body or office, not being part of the public service, the operation of which is effected through money appropriated for the purpose and paid out of the Consolidated Fund.

Quebec s.3	Ontario ss.1.1, 2	Manitoba ss.1, 2	Saskatchewan ss.2, 5	Alberta ss.1(p), 4(1)	British Columbia s.3(1), Schedule 1
The Act applies to the provincial government, the Conseil exécutif, the Conseil du trésor, provincial government departments and agencies, municipal and school bodies, health services and social services establishments, the Lieutenant Governor, the National Assembly, agencies whose members are appointed by the Assembly and every person designated by the Assembly to an office under its jurisdiction, together with the personnel under its supervision. The Act does not apply to courts within the meaning of the *Courts of Justice Act*.	The Act applies to ministries of the Government of Ontario as well as to any provincial agency, board, commission, corporation or other body designated as an "institution" in the regulations. The Act also applies to the Legislative Assembly, but only in respect of records of "reviewable expenses" (defined in the legislation) of the Opposition leaders and the persons employed in their offices and in respect of the personal information contained in those records.	The Act applies to "public bodies," defined in the Act to mean a department, a government agency, the Executive Council Office, the office of a Minister, and a "local public body" (an educational body, health care body and a local government body, all of which are defined in the Act). However, a public body does not include the office of a Member of the Legislative Assembly who is not a Minister, the office of an officer of the Legislative Assembly, or the Manitoba Court of Appeal, Court of Queen's Bench or Provincial Court.	The Act applies to the following provincial government bodies, subject to the exemptions set out below: a) the office of the Executive Council or any department, secretariat or other similar agency of the executive Government of Saskatchewan; or b) any prescribed board, commission, Crown corporation or other body whose members or directors are appointed in whole or in part by the Lieutenant Governor in Council or by a member of the Executive Council, or, in the case of a board, commission or other body, by a Crown corporation or in the case of a Crown corporation, by another Crown corporation. Specifically exempted are: a) corporations, the share capital of which is owned in whole or in part by a person other than the Government of Saskatchewan or an agency of it; b) the Legislative Assembly Office or offices of M.L.A.s or members of the Executive Council; and c) courts in Saskatchewan.	The Act applies to "public bodies," defined in the Act to mean: a department, branch or office of the Government of Alberta; an agency, board, commission, corporation, office or other body designated as a public body in the regulations under the Act; the Executive Council Office; the office of a member of the Executive Council; the Legislative Assembly Office; the office of the Auditor General; the Ombudsman or the Chief Electoral Officer, the Ethics Commissioner or the Information and Privacy Commissioner; or a "local public body" (an educational body, health care body or a local government body, all of which are defined in s.1). However, a "public body" does not include the office of the Speaker of the Legislative Assembly and the office of a Member of the Legislative Assembly, or the Alberta Court of Appeal, Court of Queen's Bench or Provincial Court.	The Act applies to ministries of the Government of British Columbia; provincial agencies, boards, commissions, corporations, offices or other bodies designated in Schedule 2 to the Act; and "local public bodies" as defined in Schedule 1; but does not apply to: a) the office of a person who is a member or officer of the Legislative Assembly; or b) the Court of Appeal, Supreme Court or Provincial Court of B.C.

How Is a Request To Be Made?	Federal s.6	Newfoundland and Labrador s.8	Nova Scotia s.6(1)	Prince Edward Island s.7	New Brunswick s.3
	A request for access to a record under the Act must be in writing to the government institution that has control of the record and must provide sufficient detail to enable an experienced employee of the institution to identify the record with a reasonable effort.	Similar to Manitoba.	A request for access must be made in writing to the government institution that has the custody or control of the record and must specify the subject matter of the record requested with sufficient particulars to enable an individual familiar with the subject matter to identify the record.	Similar to Alberta.	A request for access need not be in writing. The Act states that a person may request information by applying to the head of the government institution where the information is likely to be kept. The application must specify the records containing the information requested or, where the record in which the relevant information may be contained is not known to the applicant, specify the subject matter of the information requested with sufficient precision as to time, place and event to enable a person familiar with the subject matter to identify the relevant record.

Quebec ss.42-45	Ontario s.24(1)	Manitoba s.8	Saskatchewan s.6	Alberta s.7	British Columbia s.5
A request for access may be made in writing or orally. The request must be addressed to the person in charge of access to records within the government institution and must be sufficiently precise to allow the record to be located. However, only a response to a written request is subject to review under the Act. In other words, an unfavourable response to an oral request is not subject to review.	A request for access must be made in writing to the government institution that the person believes has custody or control of the record and must provide sufficient detail to enable an experienced employee of the institution, upon a reasonable effort, to identify the record.	A request for access must normally be made in writing on a prescribed form to the government institution that the applicant believes has custody or control of the record, and must provide sufficient detail to enable an experienced employee of the institution to identify the record. However, an applicant may make an oral request if he or she has a limited ability to read or write English or French or has a disability or condition that impairs his or her ability to make a written request.	A request for access must be in writing on the prescribed form to the government institution in which the record containing the information is kept and must specify the subject matter of the record requested with sufficient particularity as to time, place and event to enable an individual familiar with the subject matter to identify the record.	A request for access must be made in writing to the government institution that the person believes has custody or control of the record and must provide enough detail to enable the institution to identify the record.	Similar to Ontario.

EXEMPTIONS Mandatory & Discretionary	Federal	Newfoundland and Labrador	Nova Scotia	Prince Edward Island	New Brunswick
The access statutes generally provide for access to information contained in records controlled by a government institution unless there is a specific exemption that requires or permits the government institution to refuse to disclose the information. The exemptions are commonly referred to as being either mandatory or discretionary. The following pages will set out the most notable exemptions.	Contains both mandatory and discretionary exemptions.	Contains both mandatory and discretionary exemptions.	Contains both mandatory and discretionary exemptions.	Contains both mandatory and discretionary exemptions.	Contains only discretionary exemptions (NOTE: New Brunswick is the only jurisdiction in which all of the exemptions are discretionary).

Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia
Contains both mandatory and discretionary exemptions.	Contains both mandatory and discretionary exemptions.	Contains both mandatory and discretionary exemptions.	Contains both mandatory and discretionary exemptions.	Contains both mandatory and discretionary exemptions.	Contains both mandatory and discretionary exemptions.

Public Interest Overrides	Federal s.20(6)	Newfoundland and Labrador s.31	Nova Scotia s.31	Prince Edward Island s.30	New Brunswick
Most of the access statutes provide that in certain defined circumstances some of the exemptions are superseded. Usually the basis for the application of the override is that the public interest in disclosure of the information outweighs the interest any person or government may have in the information being withheld.	The head of a government institution may disclose third party information other than trade secrets of the third party if that disclosure would be in the public interest as it relates to public health, public safety or protection of the environment and if the public interest in disclosure clearly outweighs in importance any financial loss or gain to, prejudice to the competitive position of, or interference with contractual or other negotiations of, a third party. The Act provides for a third party notification procedure prior to disclosure.	Similar to British Columbia except that the head of a government institution is not required to notify the Information and Privacy Commissioner.	Whether or not a request for access is made, the head of a government institution may disclose to the public, to an affected group of people or to an applicant, information: a) about a risk of significant harm to the environment or to the health and safety of the public or a group of people; or b) the disclosure of which is, for any other reason, clearly in the public interest. Before disclosing the information, the head of the government institution must, if practicable, notify the third party to whom the information relates. Where this is not practicable, the head of the government institution must mail a notice of disclosure in the prescribed form to the last known address of the third party. This provision applies notwithstanding any other provision of the Act.	Similar to British Columbia.	No relevant provision.

Quebec s.26	Ontario ss.11, 23	Manitoba s.18(4)	Saskatchewan s.19(3)	Alberta s.32	British Columbia s.25
A government institution may not refuse to release industrial secrets that it owns or third party information if the information reveals or confirms the existence of an immediate hazard to the health or safety of persons or a serious or irreparable impediment to their right to a healthy environment.	Despite any other provision of the Act, the head of a government institution must, as soon as practicable, disclose information to the public or persons affected if the head has reasonable and probable grounds to believe that it is in the public interest to do so and that the information reveals a grave environmental, health or safety hazard to the public. The Act provides for third party notification prior to disclosure of the information, if practicable. An exemption from disclosure of information under the following sections of the Act does not apply where a compelling public interest in disclosure clearly outweighs the purpose of the exemption: section 13 (discretionary exemption for advice to government), 15 (discretionary exemption for information pertaining to relations with other governments), 17 (mandatory exemption for third party information), 18 (discretionary exemption for information pertaining to the economic and other interests of Ontario), 20 (discretionary exemption for information posing a danger to the safety or health of an individual), 21 (mandatory exemption for personal information), and 21.1 (discretionary exemption for information pertaining to fish and wildlife species at risk).	Subject to the third party notification procedure and the exceptions contained in the Act, the head of a government institution may grant access to commercial information belonging to a third party (normally the subject of a mandatory exemption) where the private interest of the third party in nondisclosure is clearly outweighed by the public interest in the disclosure for purposes of health, safety, environmental protection, improved competition or government regulation of undesirable trade practices.	Subject to the third party notification procedure set out in the Act, the head of a government institution may give access to third party information if disclosure of that information could reasonably be expected to be in the public interest as it relates to public health, public safety or protection of the environment and if the public interest in disclosure could reasonably be expected to clearly outweigh in importance any financial loss or gain to, prejudice to the competitive position of, or interference with contractual or other negotiations of, a third party.	Similar to British Columbia.	Whether or not a request for access is made, the head of a government institution must, without delay, disclose to the public, to an affected group of people or to an applicant, information: a) about a risk of significant harm to the environment or to the health or safety of the public or a group of people; or b) the disclosure of which is, for any other reason, clearly in the public interest. This provision applies notwithstanding any other provision in the Act. Before disclosing the above information, the head of a government institution must, if practicable, notify any third party to whom the information relates and the Information and Privacy Commissioner. Where this is not practicable, the institution head must mail a notice of disclosure in the prescribed form to the last known address of the third party and to the Commissioner.

Information Required To Be Held in Confidence Under Legislation Other Than the Access Statute	Federal s.24 and Schedule II	Newfoundland and Labrador s.6	Nova Scotia s.4A	Prince Edward Island s.5	New Brunswick s.6(a)
	Mandatory exemption for information the disclosure of which is restricted by or pursuant to any provision set out in Schedule II to the Act. Schedule II currently contains a list of more than 50 federal statutory provisions that prevail over the *Access to Information Act*.	Mandatory exemption for information the disclosure of which is prohibited or restricted by another Act or regulation of Newfoundland and Labrador (s.6(4)). On 17 January 2007 (i.e., two years after the Act came into force), s.6(4) will be repealed and ss.6(1) and (2) will come into force. Section 6(1) provides that where there is a conflict between the access Act or a regulation made under it and another Act or regulation, the access Act or regulation made under it will prevail. Section 6(2) provides that notwithstanding s.6(1), where access to a record is prohibited or restricted by, or the right to access a record is provided in, a provision designated in the regulations made under s.73 of the access Act, that provision will prevail over the access Act or a regulation made under it.	The access Act prevails over a confidentiality provision in any other Nova Scotia Act except in the case of specified statutory provisions in other Acts specifically mentioned in s.4A(2) of the access Act or if the other Act specifically provides otherwise.	Similar to Alberta.	Discretionary exemption for information the confidentiality of which is protected by "law." "Law" could presumably mean statute law or the common law.

Quebec s.168-170 and Schedule A	Ontario s.67	Manitoba s.5	Saskatchewan ss.17(3), 23	Alberta s.5	British Columbia s.79
The provisions of the access statute prevail over any contrary provision of a subsequent statute unless the latter expressly states that it applies notwithstanding the access statute. Any provision in a statute passed before the access Act that is inconsistent with the provisions of the access Act ceased to have effect on 31 December 1987 The only exceptions are in respect of the legislative provisions mentioned in Schedule A of the access Act. Those provisions continue to have effect.	The access Act prevails over a confidentiality provision in any other Ontario Act except in the case of specified statutory provisions in some 11 Acts specifically mentioned in s.67(2) of the access Act or if the other statute specifically provides otherwise.	Similar to British Columbia.	The access Act and regulations list confidentiality provisions in about 13 statutes that are not subordinate to the Act. With the exception of those provisions, the access Act and the regulations prevail over a provision in any other statute or regulation that restricts or prohibits access to government records. This is so even when the Act or regulation states that the provision is to apply notwithstanding any other Act or law. The access Act does, however, permit the head of a government institution to refuse to disclose any record of a quality assurance committee of a hospital that is privileged under the *Saskatchewan Evidence Act*.	Same as British Columbia, except that in Alberta a regulation under the access Act can also provide that the other Act prevails despite the access Act.	The access Act prevails over an inconsistent or conflicting provision of another B.C. statute unless the other statute states expressly that it applies despite the access Act.

Personal Information Not Relating to the Requester	**Federal s.19**	**Newfoundland and Labrador s.30**	**Nova Scotia s.20**	**Prince Edward Island s.15**	**New Brunswick s.6(b)**
Personal information not relating to the requester is the subject of a mandatory exemption in all of the access statutes except that of New Brunswick, where it is a discretionary exemption. In all of the access jurisdictions other than New Brunswick, there are exceptions to the exemption that allow, or require, disclosure of personal information in certain specified cases.	Mandatory exemption for "personal information" as defined in s.3 of the *Privacy Act*. As in other jurisdictions, the exemption applies only to access requests by someone other than the individual to whom the personal information relates.	Mandatory exemption for personal information.	Similar to British Columbia.	Similar to British Columbia.	Discretionary exemption for personal information.
	There are exceptions to the exemption in that such information may be disclosed if: a) the individual to whom it relates consents to the disclosure; b) the information is publicly available; or c) the disclosure is in accordance with s.8 of the *Privacy Act*, which lists a number of instances where personal information may be disclosed.	The Act provides a lengthy list of exceptions to the exemption, such as where there is express authority to disclose it under another Newfoundland and Labrador or federal statute, or where the individual to whom it relates consents to disclosure.			No exceptions to the exemption.

Quebec **s.59**	**Ontario** **s.21**	**Manitoba** **s.17**	**Saskatchewan** **ss.24, 29, 30**	**Alberta** **s.17**	**British Columbia** **s.22**
Mandatory exemption for personal information.	Similar to British Columbia.	Similar to British Columbia.	Mandatory exemption for personal information.	Similar to British Columbia.	Mandatory exemption for personal information if disclosure would be "an unreasonable invasion of a third party's personal privacy." The Act specifies criteria to be applied in determining whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy. The Act also sets out a number of circumstances in which a disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy.
The Act provides a detailed list of exceptions to the exemption, in other words, grounds on which personal information may be disclosed.			The Act provides a lengthy list of exceptions to the exemption.		The Act provides a lengthy list of exceptions to the exemption.

Information the Disclosure of Which Would Endanger an Individual's Health or Safety	Federal s.17	Newfoundland and Labrador ss.22(1)(f), 26	Nova Scotia ss.15(1)(e), 18	Prince Edward Island s.16	New Brunswick s.6(b.1)
	Discretionary exemption for information the disclosure of which could reasonably be expected to threaten the safety of individuals.	Similar to British Columbia.	Similar to British Columbia.	Similar to Alberta.	Discretionary exemption for personal information concerning the applicant that could reasonably be expected to threaten the safety or mental or physical health of the applicant or another person.

Quebec s.28(4)	Ontario ss.14(1)(e), 20	Manitoba ss.24, 25(1)(e)	Saskatchewan s.21	Alberta s.18	British Columbia ss.15(1)(f), 19
Mandatory exemption for information received by a person responsible for crime prevention if disclosure of the information would endanger the safety of a person. In other words, the relevant exemption in Quebec applies only in respect of a limited class of information, namely that received by a law enforcement agency.	Discretionary exemption for information the disclosure of which could reasonably be expected to seriously threaten the safety or health of an individual. There is a separate discretionary exemption for information the disclosure of which could reasonably be expected to endanger the life or physical safety of a law enforcement officer or any other person.	Similar to British Columbia.	Discretionary exemption for information the disclosure of which could threaten the safety or the physical or mental health of an individual.	Similar to British Columbia except that there is no separate discretionary exemption for information the disclosure of which could reasonably be expected to endanger the life or physical safety of a law enforcement officer or any other person.	Discretionary exemption for information the disclosure of which could reasonably be expected to interfere with public safety or threaten the safety or mental or physical health of any individual. If that individual is the requester of the information, the threat must be one of immediate and grave harm in order for the institution to refuse access. There is a separate discretionary exemption for information the disclosure of which could reasonably be expected to endanger the life or physical safety of a law enforcement officer or any other person.

Cabinet Confidences	Federal s.69	Newfoundland and Labrador ss.2(b), 18	Nova Scotia s.13	Prince Edward Island s.20	New Brunswick ss.6(a), (g), (h)
	The federal Act contains no exemption from disclosure for Cabinet confidences. The Act states that it does not apply to confidences of the Queen's Privy Council for Canada including the Council itself, committees of the Council, the Cabinet and committees of Cabinet. The confidences of the Council are broadly defined to include, among other things: a) memoranda presenting proposals or recommendations to Council; b) discussion papers presenting background explanations, analyses of problems or policy options for Council's consideration; c) agenda for Council meetings; d) records of communications or discussions between Ministers on policy matters; e) briefing papers for Ministers on matters to come before Council; and f) draft legislation. The significance of excluding Cabinet confidences from the federal Act is that the usual procedures under the Act for review of a decision not to disclose information will not apply in the case of Cabinet confidences. The exclusion of Cabinet confidences from the scope of the federal Act does not, however, extend to those that have existed for more than 20 years. Also, the exclusion does not apply to discussion papers described above if the decisions to which the discussion papers relate have been made public or, in cases where the decisions have not been made public, where at least four years have passed since the decisions were made. In these limited circumstances, the Act will apply.	Similar to Prince Edward Island.	Similar to British Columbia except that the exemption is discretionary in Nova Scotia and no longer applies where the record has been in existence for 10 or more years. Other exceptions to the exemption similar to those in British Columbia apply.	Similar to British Columbia. The exemption does not apply to a) information in a record that has been in existence for 20 or more years; or b) information in a record of a decision made by the Executive Council or any of its committees on an appeal under an Act.	There is no exemption dealing specifically with Cabinet confidences. There are, however, discretionary exemptions for information that would disclose opinions or recommendations by public servants for a Minister or the Executive Council or that would disclose the substance of proposed legislation or regulations. These exemptions are not sufficient to protect all Cabinet confidences. However, the Act also contains a discretionary exemption for information the confidentiality of which is protected by law. Cabinet confidences are generally considered to be confidential under the common law and not subject to disclosure.

Quebec s.33	Ontario s.12	Manitoba s.19	Saskatchewan s.16	Alberta s.22	British Columbia s.12
There is a mandatory exemption for Cabinet confidences, similar to that existing in most of the other provinces. The primary difference is that in many cases the person who prepared or received the information may authorize its release. The above exemption applies for 25 years to certain communications, recommendations and studies made to, from and within the Conseil exécutif, the Conseil du trésor and Cabinet committees. It also applies for the same period to records or reports of deliberations and agendas of meetings of those bodies.	There is a mandatory exemption for Cabinet confidences, including the same types of information that are described as Cabinet or Privy Council confidences in the federal Act. The exemption does not apply to records that are more than 20 years old or to records in respect of which the Executive Council, for which the records were prepared, has consented to access. Nor does the exemption apply to background analyses prepared for Cabinet in making a decision where the decision has been made and implemented.	There is a mandatory exemption for Cabinet confidences, including the same types of information that are protected in most of the other provinces. The exemption does not apply where the record is more than 30 years old or if Cabinet for which the record has been prepared consents to disclosure.	There is a mandatory exemption for Cabinet confidences similar in its terms to that in most of the other provinces. The exemption does not apply where the record has been in existence for more than 25 years or where the President of the Executive Council for which the record was prepared has consented to disclosure.	Similar to British Columbia except that the mandatory exemption in the Alberta Act extends to records revealing the substance of deliberations of the Treasury Board or any of its committees. The exemption does not apply in circumstances similar to those in which the relevant exemption in British Columbia does not apply.	There is a mandatory exemption for information that would reveal the substance of deliberations of the Executive Council or any of its committees, including any advice, recommendations, policy considerations or draft legislation or regulations submitted to the Executive Council or any of its committees. The exemption does not apply to: a) information in a record that has been in existence for 15 or more years; b) information in a record of a decision made by the Executive Council or any of its committees on an appeal under an Act; or c) information in a record whose purpose is to present background explanations or analysis to the Executive Council or any of its committees for its consideration in making a decision if the decision has been made public or implemented or if five or more years have passed since the decision was made or considered.

Advice, Recommendations, Consultations and Deliberations	Federal s.21	Newfoundland and Labrador s.20	Nova Scotia s.14	Prince Edward Island s.22	New Brunswick ss.6(g), (h)
All of the access statutes provide an exemption for certain advice and deliberations in respect of government operations and policy at the Ministerial or other sub-Cabinet level.	Discretionary exemption for the following information if it came into existence less than 20 years prior to the request: a) advice or recommendations developed by or for a government institution or Minister; b) an account of consultations or deliberations involving officers or employees of a government institution, a Minister or Minister's staff; c) positions or plans developed for the purpose of negotiations carried on by or on behalf of the government and considerations relating thereto; and d) plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation. The above exemption does not apply to a record containing: a) an account of, or the reasons for, a decision made in the exercise of a discretionary power or an adjudicative function and that affects the rights of a person; or b) a report prepared by a consultant who was not, at the time the report was prepared, an employee of a government institution or a member of a Minister's staff.	Discretionary exemption for information that would reveal: advice or recommendations developed by or for a government institution or a Minister; or draft legislation or regulations. The exemption does not apply to information in a record that has been in existence for 15 or more years. A large number of exceptions to the exemption are listed in the Act, including, for example, factual material, statistical surveys and environmental impact statements.	Discretionary exemption for information that would reveal advice, recommendations or draft regulations developed by or for a government institution or a Minister. The exemption does not protect background information used by the government institution nor does it apply to information in a record that has been in existence for five or more years. Nothing in the relevant provision requires the disclosure of information to which access may be refused under the Cabinet confidences exemption in s.13.	Similar to Saskatchewan except that the exemption in P.E.I. does not apply to information that has been in existence for 20 or more years. As well, there are a number of other exceptions to the exemption similar to those in Saskatchewan.	Discretionary exemption for information, the release of which would disclose: a) opinions or recommendations by public servants for a Minister or the Executive Council; or b) the substance of proposed legislation or regulations.

Quebec ss.35-39	Ontario s.13	Manitoba s.23	Saskatchewan s.17	Alberta s.24	British Columbia s.13
Discretionary exemption for the following: a) records of deliberations of a meeting of the Board of Directors of a government institution until 15 years have expired; b) preliminary draft of a bill or regulations until 10 years have expired; c) a recommendation or opinion presented less than 10 years earlier by a member of a government institution in the discharge of duties; d) a recommendation or opinion presented to a government institution at its request by a consultant less than 10 years earlier on a matter within its jurisdiction; e) recommendations or opinions made by an agency under the jurisdiction of a government or made by it to another government institution until the final decision on the subject matter of the recommendation or opinion is made public by the authority having jurisdiction, the same applies to a recommendation or opinion made to a Minister by an agency under the Minister's authority. A government institution may also refuse to disclose a study prepared in connection with a recommendation made within a decision-making process until a decision is made on the recommendation or, if no decision is made, until five years have elapsed from the date the study was made.	Discretionary exemption for information the disclosure of which would reveal advice or recommendations of a public servant, any other person employed in the service of a government institution or a consultant retained by a government institution. The above exemption does not apply where the record containing the information is more than 20 years old or where the head of a government institution has publicly cited the record as a basis for making a decision or formulating a policy. There is a substantial list of other exceptions to the broad exemption. Exceptions to the exemption include, for example, factual material, environmental impact statements and reasons for decisions made in the exercise of discretionary powers.	Similar to Saskatchewan except that the exemption in Manitoba does not apply where the record is more than 30 years old. In addition, the Act specifies a number of other exceptions to the exemption.	Discretionary exemption for information that could reasonably be expected to disclose: a) advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council; b) consultations or deliberations involving officers or employees of a government institution, a Minister or staff of a Minister; c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Saskatchewan or an institution thereof, or the considerations that relate to those negotiations; d) plans relating to the management of personnel or the administration of a government institution and that have not yet been implemented; e) contents of draft legislation or regulations; f) agendas or minutes of certain government institutions; and g) information, including the proposed plans, policies or projects of a government institution, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision. The exemption does not apply where the record containing the information has been in existence for more than 25 years. The Act also lists a number of other exceptions to the exemption.	Similar to Saskatchewan except that the exemption in Alberta does not apply to information that has been in existence for 15 or more years. In addition, the Act specifies a number of other exceptions to the exemption similar to those in Saskatchewan.	Discretionary exemption for information that would reveal advice, recommendations or draft regulations developed by or for a government institution or a Minister. The exemption does not apply to information contained in a record that has been in existence for 10 or more years. A large number of exceptions to the exemption are listed in the Act, including for example, factual material, statistical surveys and environmental impact statements.

Intergovernmental Information	Federal s.13	Newfoundland and Labrador s.23	Nova Scotia s.12	Prince Edward Island s.19	New Brunswick s.6(d)
	Subject to the exception noted below, there is a mandatory exemption for information that was obtained in confidence from the government of any foreign state, an international organization of states, a province of Canada or any municipal or regional government in a province, their institutions or an Aboriginal government (as defined in s.13(3)). There is an exception in that intergovernmental information may be disclosed where the government or organization from which the information was obtained consents to the disclosure or makes the information public.	Similar to British Columbia except that the exemption in Newfoundland and Labrador does not refer to information received in confidence from an Aboriginal government.	Discretionary exemption for information the disclosure of which could reasonably be expected to reveal information received in confidence from the Government of Canada or a province, a municipal unit or school board, an Aboriginal government, a foreign government, an international organization of states, or their institutions. However, such information may not be disclosed without the consent of the Governor in Council. The exemption does not apply to information in a record that has been in existence for 15 or more years or where the government, body, or organization from which the information was obtained consents to the disclosure or makes the information public.	Discretionary exemption for information the disclosure of which could reasonably be expected to reveal information supplied in confidence by the Government of Canada or a province or territory, a foreign government, an international organization of states, or their institutions. However, such information may not be disclosed without the consent of the government or organization that supplied the information. The exemption does not apply to information that has been in existence for 20 or more years.	Discretionary exemption for information the release of which would violate the confidentiality of information obtained from another government.

Quebec **s.18**	**Ontario** **s.15**	**Manitoba** **s.20**	**Saskatchewan** **s.13**	**Alberta** **s.21**	**British Columbia** **s.16**
The Quebec government or any of its departments may refuse to release information from a government other than that of Quebec, an agency of such a government or an international organization. Similarly, the Lieutenant Governor, the Conseil exécutif and the Conseil du trésor may refuse to release the information described. Unlike most of the other jurisdictions, the Act does not specify that the information must have been obtained in confidence in order for the exemption to apply.	Discretionary exemption for information the disclosure of which could reasonably be expected to reveal information received in confidence from another government or an institution thereof or from an international organization of states or an institution thereof. However, such information may not be disclosed without the prior approval of the Executive Council.	Mandatory exemption for information the disclosure of which could reasonably be expected to reveal information provided in confidence by the Government of Canada, or a province or territory, a local public body, a foreign government, an organization representing one or more governments, an international organization of states, or one of their institutions. There is an exception in that the above information may be disclosed where the government institution that provided the information consents to the disclosure or makes the information public.	Mandatory exemption for information obtained in confidence from the Government of Canada or a province or a foreign government or an international organization of states or one of their institutions. There is an exception in that the above information may be disclosed where the government or institution from which the information was obtained consents to the disclosure or makes the information public. As well, there is a discretionary exemption for information that was obtained from a local authority as defined in the regulations.	Discretionary exemption for information the disclosure of which could reasonably be expected to reveal information supplied in confidence from the Government of Canada or a province or territory, a local government body, an aboriginal organization that exercises government functions, a foreign government, an international organization of states, or their institutions. However, such information may not be disclosed without the consent of the government, body or organization that supplied the information. The exemption does not apply to information that has been in existence for 15 or more years.	Discretionary exemption for information the disclosure of which could reasonably be expected to reveal information received in confidence from the Government of Canada or a province, the council of a municipality or regional district, an Aboriginal government, a foreign government, an international organization of states, or their institutions. However, such information may not be disclosed without the consent of the Attorney General for law enforcement information or the Executive Council for any other type of information. The exemption does not apply to information in a record that has been in existence for 15 or more years unless the information is law enforcement information.

Intergovernmental Relations	Federal ss.14, 15(1)	Newfoundland and Labrador s.23	Nova Scotia s.12	Prince Edward Island s.19	New Brunswick
	Discretionary exemption for information the disclosure of which could reasonably be expected to be injurious to the conduct by the federal government of federal-provincial affairs or international affairs.	Similar to British Columbia except that the exemption in Newfoundland and Labrador does not refer to information the disclosure of which could reasonably be expected to harm the conduct by the government of the province of relations between it and an Aboriginal government.	Similar to British Columbia except that in Nova Scotia in all cases such information may not be released without the consent of the Governor in Council. As in B.C., the exemption does not apply to information in a record that has been in existence for 15 or more years.	Discretionary exemption for information that could reasonably be expected to harm relations between the Government of P.E.I. and the federal or a provincial or territorial government, a foreign government, an international organization of states, or their institutions. Such information may not be disclosed without the consent of the Minister responsible for the Act in consultation with the Executive Council. The exemption does not apply to information that has been in existence for 20 or more years.	No relevant provision.

Quebec **s.19**	**Ontario** **s.15**	**Manitoba** **s.21**	**Saskatchewan** **s.14(a)**	**Alberta** **s.21**	**British Columbia** **s.16**
Discretionary exemption for information the disclosure of which would likely be detrimental to relations between the Quebec government and another government or international organization.	Discretionary exemption for information the disclosure of which could reasonably be expected to prejudice the conduct of intergovernmental relations by the Ontario government or an institution thereof. Such information may not be disclosed without the prior approval of the Executive Council.	Discretionary exemption for information that could reasonably be expected to harm relations between the Government of Manitoba and the federal or a provincial or territorial government, a local public body (as defined in the Act), a foreign government, an organization representing one or more governments, an international organization of states, or their institutions.	Discretionary exemption for information the release of which could reasonably be expected to prejudice, interfere with or adversely affect relations between the Government of Saskatchewan and another government.	Discretionary exemption for information the disclosure of which could reasonably be expected to harm relations between the Government of Alberta and the federal or a provincial or territorial government, a local government body, an Aboriginal organization that exercises government functions, a foreign government, an international organization of states, or their institutions. Such information may not be disclosed without the consent of the Minister responsible for the Act in consultation with the Executive Council. The exemption does not apply to information that has been in existence for 15 or more years.	Discretionary exemption for information the disclosure of which could reasonably be expected to harm the conduct by the Government of British Columbia of relations between that government and the federal or a provincial government, the council of a municipality or regional district, an Aboriginal government, a foreign government, an international organization of states or their institutions. However, such information may not be disclosed without the consent of the Attorney General for law enforcement information, or the Executive Council for any other type of information. The exemption does not apply to information in a record that has been in existence for 15 or more years unless the information is law enforcement information.

Defence and Security	Federal s.15	Newfoundland and Labrador s.22(1)(b)	Nova Scotia s.15(1)(b)	Prince Edward Island s.18(1)(b)	New Brunswick
Because information relating to defence and security is most often under the control of the federal government, a number of the provincial access statutes do not contain an exemption specifically relating to this type of information.	Discretionary exemption for information the disclosure of which could reasonably be expected to be injurious to the defence of Canada or any of its allies or the detection, prevention or suppression of subversive or hostile activities. The exemption is expressly stated to apply to information on such matters as military tactics and strategy; the quantity, characteristics, capabilities or deployment of weapons or other defence equipment; and the characteristics and capabilities of military personnel.	Similar to British Columbia.	Similar to British Columbia.	Similar to British Columbia.	No relevant provision.

Quebec	Ontario s.16	Manitoba s.25(1)(b)	Saskatchewan s.14(b)	Alberta ss.20(1)(b), (b.1)	British Columbia s.15(1)(b)
No relevant provision.	Similar to British Columbia except that a government institution may not disclose such information without the prior approval of the Executive Council.	Similar to British Columbia.	Discretionary exemption for information the release of which could reasonably be expected to prejudice, interfere with or adversely affect the defence or security of Canada or of any foreign state allied or associated with Canada.	Discretionary exemption for information the disclosure of which could reasonably be expected to prejudice the defence of Canada or of any foreign state allied to or associated with Canada, or disclose activities suspected of constituting threats to the security of Canada within the meaning of the *Canadian Security Intelligence Service Act*.	Discretionary exemption for information the disclosure of which could reasonably be expected to prejudice the defence of Canada or of any foreign state allied to or associated with Canada, or harm the detection, prevention or suppression of espionage, sabotage or terrorism.

Economic Interests of the Government	Federal s.18	Newfoundland and Labrador s.24	Nova Scotia s.17	Prince Edward Island s.23	New Brunswick s.6(c)
	Discretionary exemption for information that contains: a) trade secrets or financial, commercial, scientific or technical information that belongs to the federal government or an institution thereof and has or is reasonably likely to have substantial value; b) information the disclosure of which could reasonably be expected to prejudice the competitive position of a federal government institution; c) scientific or technical information obtained through research by an officer or employee of a federal government institution, the disclosure of which could reasonably be expected to deprive the officer or employee of priority of publication; or d) information the disclosure of which could reasonably be expected to be injurious to the government's financial interests or the ability of the government to manage the economy or that could reasonably be expected to result in undue gain to some person.	Similar to British Columbia.	Similar to British Columbia.	Similar to British Columbia.	Discretionary exemption for information the release of which would cause financial loss or gain to a person or government institution or would jeopardize negotiations leading to an agreement or contract.

Quebec ss.21, 22	Ontario s.18	Manitoba s.28	Saskatchewan s.18	Alberta s.25	British Columbia s.17
The economic interests exemption is limited to fairly specific circumstances. For example, there is a discretionary exemption for industrial, financial, commercial, scientific or technical information that a government institution owns if its disclosure would likely hamper negotiations in view of a contract, or result in losses for the institution or in considerable profit for another person. There is also a discretionary exemption for information about proposed government borrowings, property transactions, public works and taxes, but only where such disclosure would likely unduly benefit or seriously harm a person or have a serious adverse effect on the economic interests of the government institution or group of persons under its jurisdiction. A government institution may also refuse to release an industrial secret that it owns.	Discretionary exemption for information relating to the economic interests of Ontario. Included in the list of categories of information covered by the exemption is information similar to that covered by the federal exemption as well as certain other specified information. There is an exception in that under this exemption, a government institution cannot refuse to disclose the results of product or environmental testing carried out by or for a government institution unless the testing was done for someone other than the institution and for a fee or the testing was conducted as preliminary or experimental tests for the purpose of developing methods of testing.	Similar to British Columbia.	Discretionary exemption for a lengthy list of specific types of information that are protected under the exemption pertaining to economic interests of government institutions. Among the types of information subject to protection under this exemption is information similar to that in the federal exemption. Also included is a similar exception to that in the Ontario Act with respect to the results of certain product or environmental testing.	Similar to British Columbia.	Discretionary exemption for information the disclosure of which could reasonably be expected to harm the financial or economic interests of the provincial government or an institution thereof, or the ability of the government to manage the economy. The exemption provides a list of information included within the category. Also included is a similar exception to that in the Ontario Act with respect to the results of certain product or environmental testing.

Information Relating to Law Enforcement	Federal s.16	Newfoundland and Labrador s.22	Nova Scotia s.15	Prince Edward Island s.18	New Brunswick ss.6(e), (h.1), (h.2), (i)
All of the jurisdictions that have access legislation have specific exemptions for information relating to law enforcement, police investigations and penal institutions.	Discretionary exemption covering information relating to law enforcement, police investigations and penal institutions. The Act describes in considerable detail the types of information to which the exemption applies. The Act also contains a mandatory exemption for information obtained or prepared by the R.C.M.P. while performing policing services for a province or municipality pursuant to s.20 of the *Royal Canadian Mounted Police Act*, where the federal government has, at the request of the province or municipality, agreed not to disclose such information.	Similar to British Columbia.	Discretionary exemption for the various types of information relating to law enforcement that are described in considerable detail in the Act.	Discretionary exemption for the various types of information relating to law enforcement that are described in considerable detail in the Act. Exception to the discretionary exemption similar to that in Alberta. Mandatory exemption for information in a law enforcement record the disclosure of which is prohibited under an enactment of Canada.	Discretionary exemption for information the disclosure of which: would be detrimental to the proper custody, control or supervision of persons under sentence; would reveal information gathered by the police in investigating any illegal or suspected illegal activity, or the source of such information; would disclose any information reported to the provincial Attorney General with respect to the above activity; or would impede an investigation, inquiry or the administration of justice.

Quebec **s.28**	**Ontario** **ss.14, 14.1, 14.2**	**Manitoba** **s.25**	**Saskatchewan** **s.15**	**Alberta** **s.20**	**British Columbia** **s.15**
Mandatory exemption requiring a government institution to refuse to release or to confirm the existence of prescribed law enforcement information.	Discretionary exemption for the various types of information relating to law enforcement that are described in considerable detail in the Act. The head of a government institution may refuse to confirm or deny the existence of records containing such information. However, the head of a government institution must disclose a report prepared in the course of routine inspections by an agency where that agency is authorized to enforce and regulate compliance with a particular statute of Ontario. There is also a discretionary exemption for information the disclosure of which could reasonably be expected to interfere with the ability of the Attorney General to determine whether a proceeding should be commenced under the *Remedies for Organized Crime and Other Unlawful Activities Act, 2001* (S.O. 2001, c.28), conduct a proceeding under that Act or enforce an order under that Act. The head of a government institution may refuse to confirm or deny the existence of a record containing such information. A similar exemption pertaining to the *Prohibiting Profiting from Recounting Crimes Act, 2002* (S.O. 2002, c.2) will apply once that Act is proclaimed in force.	Discretionary exemption for the various types of information relating to law enforcement that are described in considerable detail in the Act. However, the above discretionary exemption does not apply to a report on the degree of success achieved by a law enforcement program, unless disclosure of the report could reasonably be expected to cause any harm or interference referred to in the exemption. Nor does the exemption apply to a record that provides a general outline of the structure or programs of a law enforcement agency. As well, there is a mandatory exemption for information in a law enforcement record the disclosure of which is prohibited under an enactment of Canada.	Discretionary exemption for the various types of information relating to law enforcement and investigations that are described in considerable detail in the Act. However, the exemption does not apply to information that: a) provides a general outline of the structure or programs of a law enforcement agency; or b) reports on the degree of success achieved in a law enforcement program.	Discretionary exemption for the various types of information relating to law enforcement that are described in considerable detail in the Act. The above exemption does not apply to: a) a report prepared in the course of routine inspections by an institution that is authorized to ensure compliance with an Alberta statute; or b) a report on the degree of success achieved in a law enforcement program unless disclosure could reasonably be expected to interfere with or harm any of the matters referred to in the law enforcement exemption. There is a mandatory exemption for information in a law enforcement record the disclosure of which would be an offence under an Act of Canada.	Discretionary exemption for the various types of information relating to law enforcement that are described in considerable detail in the Act. The head of a government institution must not refuse to disclose under the law enforcement exemption: a) a report prepared in the course of routine inspections by an agency authorized to enforce compliance with an Act; b) a report on the degree of success achieved in a law enforcement program unless disclosure of the report could reasonably be expected to interfere with or harm any of the matters in the law enforcement exemption; or c) statistical information on decisions under the provincial *Crown Counsel Act* to approve or not to approve prosecutions.

Information Protected by Solicitor-Client Privilege	Federal s.23	Newfoundland and Labrador s.21	Nova Scotia s.16	Prince Edward Island s.25	New Brunswick s.6(f)
All of the access statutes contain an exemption for this type of information. The exemption is generally discretionary. The purpose of the exemption is to put the government on the same footing as other persons when it seeks legal advice	Discretionary exemption for information that is subject to solicitor-client privilege.	Discretionary exemption for information that is subject to solicitor-client privilege or that would disclose legal opinions provided to a government institution by a law officer of the Crown.	Discretionary exemption for information that is subject to solicitor-client privilege.	Similar to Alberta.	Discretionary exemption for information that would disclose legal opinions or advice provided to a person or government institution by a law officer of the Crown, or privileged communications as between solicitor and client in a matter of government institution business.

Quebec ss.31, 32	Ontario s.19	Manitoba s.27	Saskatchewan s.22	Alberta s.27	British Columbia s.14
Discretionary exemption for legal opinions concerning the application of the law to a particular case, or the constitutionality or validity of legislative or regulatory provisions. The Act also contains a separate discretionary exemption for a "study" whose disclosure might well affect the outcome of judicial proceedings.	Discretionary exemption for information that is subject to solicitor-client privilege or that was prepared by or for Crown counsel for use in giving legal advice or in contemplation of or for use in litigation.	Similar to Saskatchewan.	Discretionary exemption for information: a) that is subject to solicitor-client privilege; b) that was prepared by an agent of the Attorney General for Saskatchewan or legal counsel for a government institution in relation to a matter involving the provision of advice or other services by the agent or legal counsel; or c) consisting of correspondence between an agent of the Attorney General for Saskatchewan or legal counsel for a government institution and any other person in relation to a matter involving the provision of advice or other services by the agent or legal counsel.	Discretionary exemption for information: a) that is subject to any type of legal privilege, including solicitor-client privilege or parliamentary privilege; b) that was prepared by an agent or lawyer of the Alberta Minister of Justice and Attorney General or an Alberta government institution in relation to a matter involving the provision of legal services; or c) in correspondence between an agent or lawyer of the above Minister or an Alberta government institution and any other person in relation to a matter involving the provision of advice or other services by the agent or lawyer. However, there is a mandatory exemption for information subject to any type of legal privilege that relates to a person other than a government institution. Only the Speaker of the Legislative Assembly may determine whether information is subject to parliamentary privilege.	Discretionary exemption for information that is subject to solicitor-client privilege.

Testing and Audit Procedures	Federal s.22	Newfoundland and Labrador	Nova Scotia	Prince Edward Island s.24	New Brunswick
Several access statutes contain exemptions allowing government institutions to refuse access in certain circumstances to information about testing and auditing procedures or specific tests or audits that are to be carried out. The exemptions do not protect the outcome of audits or other tests.	Discretionary exemption for information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted if the disclosure would prejudice the use or results of particular tests or audits.	No relevant provision.	No relevant provision.	Similar to Alberta.	No relevant provision.

Quebec s.41	Ontario	Manitoba s.29	Saskatchewan s.20	Alberta s.26	British Columbia
The provincial Auditor General or a person carrying out an auditing function in or for a government institution may refuse to release or confirm the existence of information the disclosure of which would be likely to hamper an audit in progress, reveal an auditing program or operation plan or a confidential source of audit information, or prejudice the Auditor-General in the exercise of certain of the powers granted to that office.	No relevant provision.	Similar to Saskatchewan.	Discretionary exemption for information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted, if disclosure could reasonably be expected to prejudice the use or results of particular tests or audits.	Similar to Saskatchewan except that the exemption also covers information relating to standardized tests used by a government institution, including intelligence tests, if disclosure could reasonably be expected to prejudice the use or results of particular tests or audits.	No relevant provision.

Third Party Information	Federal s.20	Newfoundland and Labrador s.27	Nova Scotia s.21	Prince Edward Island s.14	New Brunswick s.6(c.1)
"Third party information" is the term generally used to describe information the disclosure of which might particularly affect a person other than the government from which it is sought. The third party is not directly involved in the request for information. All of the access statutes provide an exemption from disclosure for third party information although they describe it in different terms. Note: Most of the access statutes provide that before a government institution discloses what may be third party information, it must give notice to the potential third party, which may make representations against disclosure. The giving of notice is the first step in "third party proceedings." "Third party proceedings" do not form part of the subject matter of this chart.	Mandatory exemption for: a) trade secrets of a third party; b) financial, commercial, scientific or technical information that is confidential information supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party; c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party; or d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party. There is an exception in that third party information may be disclosed with the consent of the third party to whom the information relates. There is also another exception in that third party information other than trade secrets may be disclosed if disclosure would be in the public interest as it relates to public health, public safety or the protection of the environment and if the public interest in disclosure clearly outweighs in importance any financial loss or gain to, prejudice to the competitive position of, or interference with contractual or other negotiations of a third party. The above third party information exemption does not apply to part of a record if that part contains the results of environmental testing carried out by or on behalf of a government institution unless the testing was done as a service to a person, a group of persons, or an organization other than a government institution and for a fee.	Similar to British Columbia.	Similar to British Columbia except that in Nova Scotia, the only exception to the exemptions is if the third party consents to the disclosure. See also heading entitled "Public Interest Overrides."	Similar to Alberta. See also heading entitled "Public Interest Overrides."	Discretionary exemption for financial, commercial, technical or scientific information: a) given by an individual or corporation that is a going concern in connection with financial assistance applied for or given under the authority of a statute or regulation of the province; or b) given in or pursuant to an agreement entered into under the authority of a statute or regulation, if the information relates to the internal management or operations of a corporation that is a growing concern.

Quebec **ss.23, 24, 26**	**Ontario** **ss.11, 17, 23**	**Manitoba** **s.18**	**Saskatchewan** **s.19**	**Alberta** **s.16**	**British Columbia** **s.21**
A government institution may not, without the consent of the third party involved, release industrial secrets of a third party or confidential industrial, financial, commercial, scientific, technical or union information supplied by a third party and ordinarily treated by the third party as confidential Also, a government institution may not, without the consent of the third party, release information supplied by the third party if its disclosure would likely hamper negotiations in view of a contract, result in losses for the third party or in considerable profit for another person, or substantially reduce the third party's competitive margin A government institution may not refuse to release the above information if the information reveals or confirms the existence of an immediate hazard to the health or safety of persons or a serious irreparable impediment to their right to a healthy environment	Mandatory exemption for trade secrets or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, where the disclosure could reasonably be expected to a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, b) result in similar information no longer being supplied to the government institution where it is in the public interest that similar information be so supplied, c) result in undue loss or gain to any person, group, committee, financial institution or agency, or d) reveal information supplied to or the report of a conciliation officer, mediator, labour relations officer or other person appointed to resolve a labour relations dispute. There is also a mandatory exemption for tax return information similar to that in British Columbia. There is an exception in that a government institution may disclose any of the above types of information if the third party to whom the information relates consents to the disclosure. See also heading entitled "Public Interest Overrides."	Subject to certain exceptions specified in the section, there is a mandatory exemption for a) trade secrets of a third party; b) financial, commercial, labour relations, scientific or technical information supplied to a government institution by a third party on a confidential basis and treated consistently as confidential information by the third party; c) commercial, financial, labour relations, scientific or technical information the disclosure of which could reasonably be expected to i) harm the competitive position of a third party, ii) interfere with contractual or other negotiations of a third party, iii) result in significant financial loss or gain to a third party, iv) result in similar information no longer being supplied to the government institution when it is in the public interest that similar information continue to be supplied, or v) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute. There is also a mandatory exemption for tax return information similar to that in British Columbia. The above exemptions do not apply where a) the third party consents to disclosure, b) the information is publicly available, c) an enactment of Manitoba or Canada expressly authorizes or requires the disclosure, or d) the information discloses the final results of a product or environmental test conducted by or for the government institution unless the test was done for a fee paid for by the third party. Subject to a third party intervention procedure specified in the section and other exemptions in the Act, the above types of information may be released where the private interest of the third party in non-disclosure is clearly outweighed by the public interest in the disclosure for purposes of health, safety or environmental protection, improved competition, or government regulation of undesirable trade practices.	Subject to certain exceptions specified in the relevant exemption section and to the third party proceedings set out in Part V of the Act, there is a mandatory exemption for: a) trade secrets of a third party, b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to a government institution by a third party, c) information, the disclosure of which could reasonably be expected to result in financial loss or gain to, prejudice the competitive position of, or interfere with the contractual or other negotiations of a third party, d) a statement of financial account relating to a third party with respect to the provision of routine services from a government institution, e) a statement of financial assistance provided to a third party by a prescribed Crown corporation that is a government institution, and f) information supplied by a third party to support an application for financial assistance mentioned in (e). However, the section specifies that access may be given to the above information with the written consent of the third party to whom the information relates. The section also states that subject to the third party intervention procedure set out in Part V of the Act, access may be granted to the types of information set out above if: a) disclosure of that information could reasonably be expected to be in the public interest as it relates to public health, public safety or protection of the environment, or b) the public interest in disclosure could reasonably be expected to clearly outweigh in importance any financial loss or gain to, prejudice to the competitive position of, or interference with contractual or other negotiations of, a third party.	Similar to British Columbia except that in Alberta there are additional exceptions to the exemption in that it does not apply if a federal or Alberta statute authorizes or requires the information to be disclosed or if the information relates to a non-arm's length transaction between a government institution and another party See also heading entitled "Public Interest Overrides."	Mandatory exemption for information that: a) would reveal trade secrets of a third party or commercial, financial, labour relations, scientific or technical information of a third party; and b) that is supplied, implicitly or explicitly in confidence; and c) the disclosure of which could reasonably be expected to i) harm significantly the competitive position or interfere significantly with the *negotiating position of the* third party, ii) result in similar information no longer being supplied to the government institution when it is in the public interest that similar information continue to be supplied, iii) result in undue financial loss or gain to any person or organization, or iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute. There is also a mandatory exemption for information about a third party that was collected on a tax return or collected for the purpose of determining tax liability or collecting a tax. There are exceptions in that the above exemptions do not apply if the third party consents to the disclosure, or the information is in the custody or control of the Archives of the Government of B.C. or the archives of a B.C. public body and has been in existence for 50 or more years. See also heading entitled "Public Interest Overrides."

FEES	Federal s.11 & regulations	Newfoundland and Labrador s.68 & fee schedule	Nova Scotia s.11 & regulations	Prince Edward Island s.76 & regulations	New Brunswick s.4 & regulations
a) Application Fees	A person making a request for access to information is required to pay an application fee ($5) at the time the request is made.	An application fee ($5) must be paid before access to a record is given.	An application fee prescribed by the regulations ($25) is payable at the time the request is made.	An applicant is required to pay an initial fee ($5) set by the regulations.	An application fee ($5) is payable but only upon the granting of access to the information.
b) Search Fees	Search fees may be charged for every quarter hour in excess of five hours that is spent searching for the record and preparing it for disclosure.	Fees are charged for each hour in excess of two hours, rounded down to the nearest hour, spent locating, retrieving and preparing a record for disclosure.	Search fees are charged per half hour of time spent locating and retrieving a record. A charge is also levied for preparing a record for disclosure.	Similar to Saskatchewan.	The Act does not provide for search fees.
c) Reproduction Fees If the requested information is to be disclosed by providing copies, reproduction costs are payable in all jurisdictions.	Reproduction fees payable.	Reproduction fees payable.	Reproduction fees payable.	Reproduction fees payable.	Reproduction fees payable.
d) Waiver of Fees	The head of a government institution may waive the requirement to pay any of the fees or may refund fees.	The head of a government institution may waive the payment of all or part of a fee in accordance with the regulations. (At the time of the update of this paper, no regulations have been promulgated.)	Similar to British Columbia except that the application fee cannot be waived.	Similar to British Columbia.	No provision for waiver of any of the fees.

Quebec s.11 & regulations	Ontario ss.24, 57 & regulations	Manitoba s.82 & regulations	Saskatchewan s.9 & regulations	Alberta s.93 & regulations	British Columbia s.75 & regulations
No application fee.	An application fee ($5) is payable when the request is made.	No application fee is currently payable.	No application fee.	An applicant is required to pay an initial fee of $25 when a non-continuing request is made and $50 when a continuing request is made.	No application fee.
The Act does not provide for search fees.	Fees are charged for every quarter hour spent searching for and preparing a record for disclosure.	Fees are charged for every half hour in excess of two hours spent in searching for a record and preparing it for disclosure.	Similar to Manitoba.	Similar to Ontario.	Search fees are charged for every quarter hour in excess of three hours spent locating and retrieving a record. Fees are also charged for every quarter hour spent in preparing a record for disclosure.
Reproduction fees payable.	Reproduction fees payable.	Reproduction fees payable.	Reproduction fees payable.	Reproduction fees payable.	Reproduction fees payable.
Although the regulations may prescribe cases where persons are exempt from payment of fees, no such cases have been prescribed.	All or part of the fees shall be waived where, in the opinion of the head of the institution, it is fair and equitable to do so after considering certain factors set out in the Act and regulations, including whether the payment will cause a financial hardship for the person requesting the record and whether the dissemination of the record will benefit public health or safety.	The head of a government institution may waive all or part of the fees if satisfied that: a) payment would impose an unreasonable hardship on the applicant; b) the request relates to the applicant's own personal information and waiving the fees would be reasonable and fair in the circumstances; or c) the record relates to a matter of public interest concerning public health or safety or the environment.	Where prescribed circumstances exist, the head of an institution may waive payment of all or any part of the prescribed fee. Those circumstances are: a) where the actual cost of responding to an application varies from the total of the prescribed fees that are applicable to the application; b) where payment of the prescribed fees will cause a substantial financial hardship to the applicant and 1) in the opinion of the head of the government institution, giving access to the information is in the public interest, or 2) the application involves the personal information of the applicant, or c) where the prescribed fee or actual cost of the service is $10 or less.	Similar to British Columbia except that, in addition to the head of a government institution, the Information and Privacy Commissioner may also excuse the applicant from paying all or part of a fee.	The head of a government institution may excuse an applicant from paying all or part of a fee if, in the head's opinion: a) the applicant cannot afford the payment or for any other reason it is fair to excuse payment; or b) the record relates to a matter of public interest, including the environment or public health or safety.

RESOLUTION OF ACCESS DISPUTES	Federal	Newfoundland and Labrador	Nova Scotia	Prince Edward Island	New Brunswick
A requester who does not succeed in obtaining any or all of the information requested from a government institution is entitled to a review of the institution's disposition of the request.					
a) Time Limit for Applying for Review	A request for a review must be made within one year from the time when the request for information was received by the institution. The request must be in writing unless the Commissioner authorizes otherwise (s.31).	A request for a review by the Information and Privacy Commissioner must be made in writing within 60 days after the person asking for the review is notified of the decision regarding access or within a longer period allowed by the Commissioner (s.45). Alternatively, a person who is notified of a decision regarding access may, within 30 days after notification of the decision, appeal directly to the Trial Division (s.43).	A request for a review must be made in writing within 60 days (subject to extension) of notice being given of the decision appealed, if the review is to be by a designated reviewing officer rather than by a judge (s.34).	A written request for a review must be made within 60 days after the person asking for review is notified of the decision, or within any longer period allowed by the Commissioner (ss.60, 61).	No time limit for applying for a review (s.7).
b) Reviewing Officer (i.e., person performing the review)	Information Commissioner (s.30)	Information and Privacy Commissioner or a judge of the Trial Division (s.43)	Review Officer designated by the Cabinet pursuant to the Act, or a judge of the N.S. Supreme Court (ss.32, 33)	Information and Privacy Commissioner (s.61)	Ombudsman or a judge of the Court of Queen's Bench of New Brunswick (s.7)
c) Nature of the Review Process – Investigative or Adjudicative The access statutes normally adopt one or two distinct review processes – either investigative or adjudicative. If the statute adopts an investigative approach, the reviewing officer will have the power only to recommend action to correct an improper denial of information. The government institution may accept or reject that recommendation. If, on the other hand, the statute adopts an adjudicative approach, the reviewing officer can give an authoritative direction to the government institution to disclose the requested information.	Investigative approach; the Information Commissioner can only make recommendations – not a binding decision. A government institution may either accept or reject the Commissioner's recommendation (ss.30, 37).	The statute adopts both investigative and adjudicative approaches (ss.43, 45). The reviewing officer under the investigative approach is the Information and Privacy Commissioner, who recommends whether or not access should be granted (s.49). The reviewing officer under the adjudicative approach is a judge of the Trial Division, who makes a decision regarding disclosure (s.43). A person who has appealed a decision directly to the Trial Division cannot ask the Commissioner to review a decision (s.43).	Investigative and adjudicative, similar to New Brunswick. However, a requester may make a court application directly only if no third party has been notified of the request or if any third party given notice has consented to the application pursuant to s.22. Otherwise, a Review Officer makes a determination (ss.32-39).	Adjudicative approach; the Information and Privacy Commissioner makes a determination as to whether or not access is to be granted (s.66).	The statute adopts both investigative and adjudicative approaches. The reviewing officer under the investigative approach is the Ombudsman, who recommends whether access should be granted. The reviewing officer under the adjudicative approach is a judge of the Court of Queen's Bench, who makes a decision regarding disclosure. The unsuccessful requester has the alternative of referring a refusal of information to either the Ombudsman or a judge of the Court of Queen's Bench. The two options cannot be pursued simultaneously. Where the applicant refers the matter to a judge of the Court of Queen's Bench, the applicant may not thereafter refer the matter to the Ombudsman. Where the applicant refers the matter to the Ombudsman who makes a recommendation, and the government institution persists in denying access to information, the requester may appeal to a judge of the Court of Queen's Bench (ss.7, 8, 10 and 11).

Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia
A request for a review of a decision regarding access must be made in writing within 30 days of the decision. Provision is made for an extension for "any serious cause" (s.135).	A decision regarding access may be appealed within 30 days of notice being given of the decision appealed from (s.50).	A decision regarding access may be the subject of a complaint to the Ombudsman in the prescribed form within 60 days after the person is notified of the decision (s.60).	An applicant may apply on a prescribed form for a review of a decision regarding access within one year after being given written notice of the decision (s.49).	A written request for a review must be made within 60 days after a person is notified of the decision, or within any longer period allowed by the Commissioner (s.66).	A request for a review of a decision regarding access must be delivered to the Information and Privacy Commissioner within 30 days after the person is notified of the decision or within such longer period as is allowed by the Commissioner (s.53).
Commission d'accès à l'information (a member, on behalf of the Commission, may sit alone to hear and determine an application for review) (s.135)	Information and Privacy Commissioner (s.50)	Ombudsman (s.59)	Information and Privacy Commissioner (s.49)	Information and Privacy Commissioner (s.65)	Information and Privacy Commissioner (s.52)
Adjudicative approach; the Commission determines whether or not access is to be granted (ss.135, 141).	Adjudicative approach; the Information and Privacy Commissioner makes a determination as to whether or not access is to be granted (s.54).	Investigative approach; the Ombudsman recommends whether or not access should be granted (ss.59, 66).	Investigative approach; the Information and Privacy Commissioner recommends whether or not access should be granted (s.55).	Adjudicative approach; the Information and Privacy Commissioner makes a determination as to whether or not access is to be given (s.72).	Adjudicative approach; the Information and Privacy Commissioner makes a determination as to whether or not access is to be granted (s.58).

RESOLUTION OF ACCESS DISPUTES *(cont'd)*	**Federal**	**Newfoundland and Labrador**	**Nova Scotia**	**Prince Edward Island**	**New Brunswick**
d) Further Appeal Following Review A person who is dissatisfied with the outcome of a review under an access statute can often appeal that result	A person who has been refused access to information may, if a complaint has been made to the Information Commissioner in respect of the refusal, apply to the Federal Court for a review of the matter. The court then makes a decision regarding disclosure (ss.41, 49-51). The *Federal Court Act* (s.27) generally provides for an appeal to the Federal Court of Appeal from any judgement of the Trial Division.	The Act does not provide for an appeal where the reviewing officer is a judge of the Trial Division. However, where the reviewing officer is the Commissioner, then once the Commissioner has made a written report recommending whether or not access should be granted, the head of a government institution must make a decision within 15 days of receipt of the report as to whether to follow the recommendation. Written notice of the decision is given to the Commissioner and a person who was sent a copy of the report. Within 30 days after receiving that decision, the person who made the request may appeal the decision to the Trial Division (ss.50,60).	Similar to New Brunswick – appeal is to the Nova Scotia Supreme Court (s.41).	An order made by the Information and Privacy Commissioner under the Act is final (s.67).	The access Act does not allow for an appeal when the reviewing officer is a judge of the Court of Queen's Bench. However, when the reviewing officer is the Ombudsman, and after receiving his or her recommendation, the head of a government institution subsequently makes a decision regarding access with which the person who made the request is dissatisfied, the person may appeal the matter to a judge of the Court of Queen's Bench (ss.8, 11).

Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia
Every decision of the Commission on a question of fact within its competence is final (s.146). A person may bring an appeal from a decision of the Commission before a judge of the Court of Quebec on any question of law or jurisdiction. Such an appeal may be brought only with leave of a judge of the Court of Quebec (s.147). A decision of the judge of the Court of Quebec is final (s.154).	There is no statutory right of appeal from a decision of the Information and Privacy Commissioner.	An applicant who is refused access to information in respect of which he or she has filed a complaint with the Ombudsman, and the Ombudsman has provided a report under s.66, may appeal the refusal of access to the Court of Queen's Bench (s.67). A decision of that court on an access matter is final and binding and there is no appeal therefrom (ss.73, 74).	Once the Commissioner has made a written report recommending whether or not access should be granted, the head of the government institution must make a decision within 30 days of receipt of the report as to whether to follow the recommendation. Written notice of the decision is given to the Commissioner and other relevant parties, including the party making the request. Within 30 days after receiving that decision, an applicant may appeal to the Court of Queen's Bench for a determination of the matter (ss.56, 57).	An order of the Information and Privacy Commissioner is not subject to appeal (s.73).	An order of the Information and Privacy Commissioner is not subject to appeal.